

Application No. 10/648,131  
Docket No. 5677-208  
Response to Office Action Dated: October 8, 2004

### REMARKS

A. § 112, 2<sup>nd</sup> Paragraph Rejection

Claims 104, 112-117, and 124-128 are rejected as indefinite. The Examiner considers Claim 104 to be vague and indefinite because amendment of step (c) causes the overall method including step (d) to be unclear. The Examiner believed it was not clear where the partially defatted cocoa solids and the cocoa butter are recovered from. The Examiner suggested that in step (c) the canceled phrase "to produce cocoa butter and partially defatted cocoa solids" be reinstated and that the word "which" be changed to "wherein" in step (d).

B. Applicants' Response

In view of the amendment of Claim 104, it is believed the rejection is overcome. This amendment is not related to the patentability of the claimed subject matter. In step (c) the amendment merely restores a limitation ("to produce cocoa butter and partially defatted cocoa solids") which was present in Claim 104 when the Preliminary Amendment was filed on August 26, 2003. In step (d) it merely changes "which cocoa solids" to "wherein the cocoa solids".

In addition, applicants' have deleted the word "screw" in step (c) of Claim 104 and amended Claims 115 and 116 to cover "screw pressing". Screw pressing is a preferred embodiment. See page 36, 2<sup>nd</sup> full paragraph which reads: "In a preferred embodiment of the present invention, screw pressing is utilized in modifications A, B, and C". An alternative pressing method is disclosed at page 35, last paragraph which reads: "Additionally, batch pressing can be employed in the method of the present invention, wherein fat extraction

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comprises the application of pressure to batches of cocoa beans confined in bags, cloths, cages or other suitable devices."

C. Closing

Entry of this amendment and withdrawal of the § 112 rejection is respectfully requested. No new matter is presented.

Respectfully submitted,

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Margaret B. Kelley  
Margaret B. Kelley  
Reg. No. 29,181

Clifford Chance US LLP  
31 West 52<sup>nd</sup> Street  
New York, NY 10019-6131  
Telephone: (212) 878-3145